

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Examiner: To be Assigned
Dzau, et al.	)	Art Unit: To be Assigned
Application Serial No. To be Assigned	)	Parent Serial No. 09/875,305
Filed: Herewith	)	Parent Filed: June 5, 2001
For: THERAPEUTIC USE OF CIS- ELEMENT DECOYS IN VIVO	)	Attorney's Docket No. 39753-0021 C4
	)	Customer No. 25213

Express Mail No. EL 977 677 438 US

Mailing Date: May 20, 2004

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

## Mail Stop Patent Application

Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

Sir:

Applicants wish to bring to the attention of the Patent Office the references listed on the attached Form PTO-1449 and request that they be considered by the Examiner. Each of the references listed on the attached Form PTO-1449, was previously cited by or submitted to the PTO in prior Application Serial No. 09/875,305, filed June 5, 2001, therefore copies are not enclosed.

This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(b)(3), therefore no fee is due. The Commissioner is authorized to charge any fees which may be required under 37 CFR §1.16 or §1.17, to Deposit Account No. 08-1641, referencing Attorney's Docket No. 39753-0021 C4.

Respectfully submitted,

Dated: May 20, 2004

By: 

Ginger R. Dreger (Reg. No. 33,055)

HELLER EHRMAN WHITE &amp; McAULIFFE LLP

275 Middlefield Road

Menlo Park, California 94025-3506

Telephone: (650) 324-7000

Facsimile: (650) 324-0638

Sheet 1 of 2

SUBSTITUTE FORM PTO-1449 (MODIFIED)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Attorney Docket No. Serial No. Applicant Filing Date Group IDS Filed Customer No.		39753-0021 C4 To be Assigned Victor J. DZAU, et al. Herewith To be Assigned 25213	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)							
(37 C.F.R. §1.98(b))							
U.S. PATENTS							
Examiner's Initials	Patent Number	Issue Date	Patentee	Class	Subclass	Filing Date (if Appropriate)	
	5,683,985	11/04/97	Chu et al.				
	5,631,237	05/20/97	Dzau et al.				
FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION							
Examiner's Initials	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation (Yes/No)	
	WO 92/18522	29/10/92	PCT				
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PLACE OF PUBLICATION)							
Barinaga et al., "Gene Therapy for Clogged Arteries Passes Test in Pigs," Science 265:738 (1994).							
Bielinska et al., "Regulation of Gene Expression with Double-Stranded Phosphorothioate Oligonucleotides," Science 250:997-999 (1990).							
Chien, "Molecular Advances in Cardiovascular Biology," Science 260:916-917 (1993).							
Dalton, "Cell Cycle Regulation of the Human cdc2 Gene," The EMBO Journal 11(5):1979-1804 (1992).							
Ebbecke et al., European Heart Journal 12:11 (1991).							
Hiebert et al., "E1A-dependent Trans-activation of the Human Myc Promoter is Mediated by the E2f Factor," Proc. Natl. Acad. Sci. U. S. A. 86:3594-3598 (1989).							
Hug et al., "Liposomes for the Transformation of Eukaryotic Cells," Biochem. Biophys. Acta 1097:1-17 (1991).							
Hutchinson et al., Circulation 86:Suppl. 1 p. 1-226 (1992).							
Kaneda et al., "Increased Expression of DNA Coimported with Nuclear Protein In Adult Rat Liver," Science 243:375-378 (1989).							
Libby et al., "A Cascade Model for Restenosis. A Special Case of Atherosclerosis Progression," Circulation 88:III-47 - III-52 (1992).							
Mannino et al., "Liposome Mediated Gene Transfer," BioTechniques 6:682-690 (1988).							
Milligan et al., "Current Concepts in Antisense Drug Design," J. Med. Chem. 36:1923-1937 (1993).							
Mordshita et al., "In Vivo Gene Transfer Into Intact Blood Vessels: a Novel and Efficient Method," Circulation 86 (Suppl. 1):1-227 (1992).							
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with the next communication to applicant.							

Sheet 2 of 2

SUBSTITUTE FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (MODIFIED) PATENT AND TRADEMARK OFFICE		Attorney Docket No.	39753-0021 C4
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		Serial No.	To be Assigned
		Applicant	Victor J. OZAU, et al.
		Filing Date	Herewith
		Group	To be Assigned
		IDS Filed	
(37 C.F.R. §1.98(b))		Customer No.	25213
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PLACE OF PUBLICATION)			
Mulligan et al., "The Basic Science of Gene Therapy," Science 260:926-932 (1993).			
Nevins, "E2F: A Link Between the Rb Tumor Suppressor Protein and Viral Oncoproteins," Science 258:424-429 (1992).			
Ostrowski et al., "Glucocorticoid Regulation of Transcription at an Amplified, Episomal Promoter," Mol. Cell. Biol. 3:2045-2057 (1983).			
Pagano et al., "Association of cdk2 Kinase with the Transcription Factor E2F During S Phase," Science 255:1144-1147 (1992).			
Ritzenthaler et al., "Regulation of the $\alpha 1(I)$ Collagen Promoter via a Transforming Growth Factor- $\beta$ Activation Element," J. Biol. Chem. 268:13625-13631 (1993).			
Ritzenthaler et al., "Transforming-growth-factor- $\beta$ Activation Elements in the Distal Promoter Regions of the Rat $\alpha 1$ Type I Collagen Gene," Biochem. J. 280:157-162 (1991).			
Rubin et al., "Atherosclerosis in Mice: Getting to the Heart of a Polygenic Disorder," Trends in Genetics 10:199-204 (1994).			
Schwartz et al., "Coronary Restenosis: Prospects for Solution and New Perspectives from a Porcine Model," Mayo Clinic Proceedings 68:54-62 (1993).			
Stein et al., "Antisense Oligonucleotides as Therapeutic Agents—Is the Bullet Really Magical?" Science 261:1004-12 (1993).			
Sullenger et al., "Overexpression of TAR Sequences Renders Cells Resistant to Human Immunodeficiency Virus Replication," Cell 63:601-608 (1990).			
Tomlin et al., "Direct In Vivo Gene Introduction Into Rat Kidney," Biochem. Biophys. Res. Comm. 186:129-134 (1992).			
Tseng et al., "Antisense Oligonucleotide Technology in the Development of Cancer Therapeutics," Cancer Gene Ther. 1:65-71 (1994).			
Uhlmann et al., Chemical Reviews 90:543-584 (1990).			
Weintraub et al., "Retinoblastoma Protein Switches the E2F Site from Positive to Negative Element," Nature 356:258-261 (1992).			
Wu et al., "Inhibition of In Vitro Transcription by Specific Double-stranded Oligodeoxyribonucleotides," Gene 89:203-209 (1990).			
Yee et al., "Promoter Interaction of the E1A-inducible Factor E2F and Its Potential Role in the Formation of a Multi-component Complex," The EMBO Journal 6:2061-2068 (1987).			
EXAMINER		DATE CONSIDERED	
EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with the next communication to applicant.			

